

TOWN BOARD MEETING
TOWN HALL, MAHOPAC, N.Y.

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 17th day of March, 2021 at 7:05 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Schanil, Councilman Barile, Councilman Lombardi and Supervisor Schmitt. Councilwoman McDonough was absent.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces as well as those individuals tragically lost from COVID-19.

Supervisor Schmitt announced that the Town Board met in Executive Session at 6:45 p.m. with Town Comptroller Mary Ann Maxwell to consider an insurance proposal.

MINUTES OF TOWN BOARD MEETINGS HELD ON 2/17/2021 AND 3/3/2021 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lombardi, seconded by Councilman Schanil, with all members of the Town Board present voting “aye”, the minutes of the Town Board meetings held on February 17th and March 3rd, 2021 were accepted as submitted by the Town Clerk.

ENVIRONMENTAL CONSERVATION BOARD APPOINTMENT MADE - NICOLE SEDRAN - 3/17/2021 TO 6/13/2022

RESOLVED, that the Town Board of the Town of Carmel hereby appoints Nicole Sedran to the Town of Carmel Environmental Conservation Board replacing Vincent Turano for a term commencing immediately and expiring on June 13, 2022.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	X		
Michael Barile	X		
Frank Lombardi	X		
Suzanne McDonough			Absent
Kenneth Schmitt	X		

Supervisor Schmitt welcomed Nicole Sedran to the Town of Carmel Environmental Conservation Board.

PUBLIC HEARING SCHEDULED FOR 4/7/2021 - PROPOSED CONTRACT RENEWING A CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST OF NEW YORK, LLC

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing at Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, April 7, 2021 at 7:00 p.m. or as soon thereafter that evening as possible, on a proposed contract renewing a Cable Television Franchise Agreement with Comcast of New York, LLC; and

BE IT FURTHER RESOLVED that pursuant to Title 16 CRR NY §894.7, copies of all franchise applications as well as copies of the contract which is proposed to be renewed are available for public inspection during normal business hours at Carmel Town Hall, 60 McAlpin Avenue, Mahopac, NY; and

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and instructed to publish and post the necessary notices in the official newspapers of the Town and on the Town bulletin board regarding this Public Hearing.

(Cont.)

Resolution
Offered by: Supervisor Schmitt
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

REBATE AWARD ACCEPTED AND EXECUTION OF STATE ASSISTANCE CONTRACT NYSDEC ZERO EMISSION VEHICLE INFRASTRUCTURE GRANT PROGRAM AUTHORIZED - \$52,272

RESOLVED that the Town Board of the Town of Carmel hereby accepts rebates from the New York State Department of Environmental Conservation for the Zero Emission Vehicle Infrastructure Grant Program totaling \$52,272; and
BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any state assistance contract provided by the New York State Department of Environmental Conservation in connection with the referenced rebate award described herein.

Resolution
Offered by: Councilman Barile
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

BUDGET MODIFICATIONS AUTHORIZED - FINAL BUDGET MODIFICATIONS/ REVISIONS FOR THE PERIOD ENDING 12/31/2020 - SCHEDULE 2020/5B

WHEREAS the Town Comptroller Mary Ann Maxwell has reviewed the proposed Final Budget Modifications for the period ending December 31, 2020 with the Town Board which are detailed and explained on the attached Budget Revisions Schedule 2020/5B;
NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes and ratifies the Final Budget Modifications/Revisions for the period ending December 31, 2020 as shown itemized on schedule 2020/5B which is attached hereto, incorporated herein and made a part hereof.

Resolution
Offered by: Councilman Lombardi
Seconded by: Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u> </u>	<u>X</u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

TOWN OF CARMEL
BUDGET REVISIONS FOR DECEMBER 2020 #2020/05B

[illegible]

**CARMEL FIRE PROTECTION DISTRICT NO. 1 - SERVICE AWARD PROGRAM
POINT SYSTEM AMENDED FOR PERIODS WHEN SPECIAL RESPONSE RULES
ARE IN EFFECT DURING THE COVID 19 PANDEMIC OF 2020 - OFFERED AS
PARAPHRASED AND PRE-FILED**

WHEREAS; Active volunteer firefighters earn Carmel Fire Protection District No. 1 Service Award Program service credit under the Service Award Program Point System adopted by the Town Board of the Town of Carmel for the Carmel Fire Protection District No. 1; and,

WHEREAS, In response to the outbreak of Novel Coronavirus, COVID-19, NYS Governor Andrew Cuomo declared a STATE DISASTER EMERGENCY and issued EXECUTIVE ORDER 202 OF 2020. In response to the STATE DISASTER EMERGENCY New York State fire districts, towns, villages, cities and their volunteer fire department/company officials adopted Special Response Rules restricting volunteer firefighter responses to emergency responses and/or restricting the holding of activities for which points could be earned during the STATE DISASTER EMERGENCY; and,

WHEREAS, the adoption of the Special Response Rules has affected the ability of active volunteer firefighters to earn points in service award programs; and

WHEREAS; In recognition of the negative effect these Special Response Rules has on the ability of active volunteer firefighters to earn service credit during 2020 and/or 2021 under service award program point systems, New York State legislators and Governor Andrew Cuomo enacted legislation intended to prevent active volunteer firefighters who would have earned service award program service credit during 2020 and/or 2021 from failing to earn a year of service award program service credit during 2020 and/or 2021 due to the adoption of Special Response Rules; and,

WHEREAS, This legislation, Chapter 113 of the Laws of 2020 of the State of New York, authorizes the Town Board of the Town of Carmel to adopt a resolution to amend the Carmel Fire Protection District No. 1 Service Award Program point system by adding a new category to the point system under which up to five (5) points per month (prorated for periods of less than one month) may be awarded to active volunteer firefighters during the period when the Special Response Rules are in place; and

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(Cont.)

WHEREAS, Should the Town Board elect to adopt such a resolution, Chapter 113 of the Laws 2020 of the State of New York, provides that the adoption of such resolution does not require approval of Carmel Fire Protection District No. 1 residents at a Town election.

NOW, THEREFORE, BE IT RESOLVED, THAT By adopting this resolution, the Town Board of the Town of Carmel adds the following new category to the Carmel Fire Protection District No.1 Service Award Program Point System:

COVID-19 Pandemic of 2020

As a result of the COVID-19 Pandemic of 2020, the governing board of the Mahopac Falls Volunteer Fire Department, Inc. adopted Special Response Rules under which the activities for which active volunteer firefighter members of the Mahopac Falls Volunteer Fire Department, Inc. could earn points under the Carmel Fire Protection District No. 1 Service Award Program point system were reduced effective as of April 1, 2020. Such reduction in activities continued until the effective date the Special Response Rules were rescinded and all volunteer firefighter activities restored or restrictions in volunteer firefighter activities removed by the Mahopac Falls Volunteer Fire Department, Inc. governing board. From the effective date of the adoption of the Special Response Rules to the effective date that such Rules are rescinded, all active volunteer firefighter members of the Mahopac Falls Volunteer Fire Department, Inc. shall be awarded five (5) points per month with such number of points prorated for periods of less than a complete month. In no event shall points be awarded to active volunteer firefighters in accordance with Chapter 113, after February 26, 2021, unless NYS Governor Andrew Cuomo once again extends Executive Order 202 of 2020.

As soon as administratively feasible after the adoption of this resolution by the Town Board, active volunteer firefighter members of the Mahopac Falls Volunteer Fire Department, Inc. shall be given a written Notice of Amendment announcing the adoption of and including an explanation of this additional category to the point system. As soon as administratively feasible, after the governing board of the Mahopac Falls Volunteer Fire Department, Inc. rescinds the Special Response Rules, a second Notice of Amendment shall be given to active volunteer firefighters stating the effective date that the Special Response Rules have been rescinded and indicating the number of points to be awarded to each active volunteer firefighter during the period when the Special Response Rules were in effect.

Since this amendment to the Carmel Fire Protection District No. 1 Service Award Program points system is intended to prevent active volunteer firefighters who would otherwise have earned service award program credit under the point system during 2020 and/or 2021 from failing to earn credit during 2020 and/or 2021, the adoption of this resolution is expected to have little if any effect on the annual cost of the Carmel Fire Protection District No. 1 Service Award Program.

All other provisions of the Carmel Fire Protection District No. 1 Service Award Program shall not change as a result of the adoption of this resolution and the program shall continue to be administered by the Town of Carmel in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

(Cont.)

Resolution

Offered by: Councilman Schanil
Seconded by: Councilman Lombardi and Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

Supervisor Schmitt explained that during the outbreak of COVID-19, volunteer firefighters were restricted from performing certain activities for which Service Award Program points could be earned, therefore limiting the amount of points that could be accrued. This resolution will allow them to accumulate up to five additional points.

CARMEL FIRE PROTECTION DISTRICT NO. 2 - SERVICE AWARD PROGRAM POINT SYSTEM AMENDED FOR PERIODS WHEN SPECIAL RESPONSE RULES ARE IN EFFECT DURING THE COVID 19 PANDEMIC OF 2020 - OFFERED AS PARAPHRASED AND PRE-FILED

WHEREAS; As authorized by Article 11-A of the New York State General Municipal Law, the Town Board of the Town of Carmel established a Service Award Program for active volunteer firefighters of the Town of Carmel Fire Protection District No. 2; and,

WHEREAS; Active volunteer firefighters earn Service Award Program service credit under the Service Award Program Point System adopted by the Town Board of the Town of Carmel; and,

WHEREAS, In response to the outbreak of Novel Coronavirus, COVID-19, NYS Governor Andrew Cuomo declared a STATE DISASTER EMERGENCY and issued EXECUTIVE ORDER 202 OF 2020. In response to the STATE DISASTER EMERGENCY New York State fire districts, towns, villages, cities and their volunteer fire department/company officials adopted Special Response Rules restricting volunteer firefighter responses to emergency responses and/or restricting the holding of activities for which points could be earned during the STATE DISASTER EMERGENCY; and,

WHEREAS, the adoption of the Special Response Rules has affected the ability of active volunteer firefighters to earn points in service award programs; and

WHEREAS; In recognition of the negative effect these Special Response Rules has on the ability of active volunteer firefighters to earn service credit during 2020 and/or 2021 under service award program point systems, New York State legislators and Governor Andrew Cuomo enacted legislation intended to prevent active volunteer firefighters who would have earned service award program service credit during 2020 and/or 2021 from failing to earn a year of service award program service credit during 2020 and/or 2021 due to the adoption of Special Response Rules; and,

WHEREAS, This legislation, Chapter 113 of the Laws of 2020 of the State of New York, authorizes the Town Board of the Town of Carmel to adopt a resolution to amend the Carmel Fire Protection District No. 2 Service Award Program point system by adding a new category to the point system under which up to five (5) points per month (prorated for periods of less than one month) may be awarded to active volunteer firefighters during the period when the Special Response Rules are in place; and

WHEREAS, Should the Town Board elect to adopt such a resolution, Chapter 113 of the Laws of 2020 of the State of New York, provides that the adoption of such resolution does not require approval of Carmel Fire Protection District No. 2 residents at a Town election.

NOW, THEREFORE, BE IT RESOLVED, THAT by adopting this resolution, the Town Board of the Town of Carmel adds the following new category to the Carmel Fire Protection District No. 2 Service Award Program Point System:

(Cont.)

COVID-19 Pandemic of 2020

As a result of the COVID-19 Pandemic of 2020, the governing board of the Mahopac Volunteer Fire Department, Inc. adopted Special Response Rules under which the activities for which active volunteer firefighter members of the Mahopac Volunteer Fire Department, Inc. could earn points under the Carmel Fire Protection District No. 2 Service Award Program Point System were reduced effective as of April 1, 2020. Such reduction in activities continued until the effective date the Special Response Rules were rescinded and all volunteer firefighter activities restored or restrictions in volunteer firefighter activities removed by the Mahopac Volunteer Fire Department, Inc. governing board. From the effective date of the adoption of the Special Response Rules to the effective date that such Rules are rescinded, all active volunteer firefighter members of the Mahopac Volunteer Fire Department, Inc. shall be awarded five (5) points per month with such number of points prorated for periods of less than a complete month. In no event shall points be awarded to active volunteer firefighters in accordance with Chapter 113 after February 26, 2021, unless NYS Governor Andrew Cuomo once again extends Executive Order 202 of 2020.

As soon as administratively feasible after the adoption of this resolution by the Town Board, active volunteer firefighter members of the Mahopac Volunteer Fire Department, Inc. shall be given a written Notice of Amendment announcing the adoption of and including an explanation of this additional category to the point system. As soon as administratively feasible, after the governing board of the Mahopac Volunteer Fire Department, Inc. rescinds the Special Response Rules, a second Notice of Amendment shall be given to active volunteer firefighters stating the effective date that the Special Response Rules have been rescinded and indicating the number of points to be awarded to each active volunteer firefighter during the period when the Special Response Rules were in effect.

Since this amendment to the Carmel Fire Protection District No. 2 Service Award Program points system is intended to prevent active volunteer firefighters who would otherwise have earned service award program credit under the point system during 2020 and/or 2021 from failing to earn credit during 2020 and/or 2021, the adoption of this resolution is expected to have little if any effect on the annual cost of the Carmel Fire Protection District No. 2 Service Award Program.

All other provisions of the Carmel Fire Protection District No. 2 Service Award Program shall not change as a result of the adoption of this resolution and the program shall continue to be administered by the Town of Carmel in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilman Barile and Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

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**CARMEL VOLUNTEER AMBULANCE CORPS. - SERVICE AWARD PROGRAM
POINT SYSTEM AMENDED FOR PERIODS WHEN SPECIAL RESPONSE RULES
ARE IN EFFECT DURING THE COVID 19 PANDEMIC OF 2020 - OFFERED AS
PARAPHRASED AND PRE-FILED**

WHEREAS; As authorized by Article 11-AAA of the New York State General Municipal Law the Town Board of the Town of Carmel established a Service Award Program for volunteer members of the Carmel Volunteer Ambulance Corps; and,

WHEREAS; Active volunteer members of the Corps earn Service Award Program service credit under the Carmel Volunteer Ambulance Corps Service Award Program Point System adopted by the Town Board of the Town of Carmel; and,

WHEREAS, In response to the outbreak of Novel Coronavirus, COVID-19, NYS Governor Andrew Cuomo declared a STATE DISASTER EMERGENCY and issued EXECUTIVE ORDER 202 OF 2020. In response to the STATE DISASTER EMERGENCY New York State towns, villages, cities and/or their volunteer ambulance company officials adopted Special Response Rules restricting volunteer ambulance company members responses to emergency responses and/or restricting the holding of activities for which points could be earned by volunteers during the STATE DISASTER EMERGENCY; and,

WHEREAS, the adoption of the Special Response Rules has affected the ability of active volunteer ambulance corps members to earn points in service award programs; and

WHEREAS; In recognition of the negative effect these Special Response Rules has on the ability of active volunteer ambulance corps members to earn service credit during 2020 and/or 2021 under service award program point systems, New York State legislators and Governor Andrew Cuomo enacted legislation intended to prevent active volunteer corps members who would have earned service award program service credit during 2020 and/or 2021 from failing to earn a year of service award program service credit during 2020 and/or 2021 due to the adoption of Special Response Rules; and,

WHEREAS, This legislation, Chapter 113 of 2020 of the Laws of the State of New York, authorizes the Town Board of the Town of Carmel to adopt a resolution to amend the Carmel Volunteer Ambulance Corps Service Award Program point system by adding a new category to the point system under which up to five (5) points per month (prorated for periods of less than one month) may be awarded to active volunteer members of the Carmel Volunteer Ambulance Corps during the period when the Special Response Rules are in effect; and

WHEREAS, Should the Town Board elect to adopt such a resolution, Chapter 113 of the Laws of 2020 of the State of New York provides that the adoption of such resolution does not require approval of Town of Carmel residents at a Town election.

NOW, THEREFORE, BE IT RESOLVED, THAT By adopting this resolution, the Town Board of the Town of Carmel adds the following new category to the Carmel Volunteer Ambulance Corps Service Award Program Point System:

COVID-19 Pandemic of 2020

As a result of the COVID-19 Pandemic of 2020, the Town Board of the Town of Carmel and/or the governing board of the Carmel Volunteer Ambulance Corps adopted Special Response Rules under which the activities for which active volunteer members of the Carmel Volunteer Ambulance Corps could earn points under the Service Award Program Point System were reduced and/or restricted effective as of April 1, 2020. Such reduction/restriction in activities will continue until the effective date the Special Response Rules are rescinded and all volunteer ambulance corps members' activities restored and restrictions on such activities removed by the Town Board and/or the governing board of the Carmel

(Cont.)

Volunteer Ambulance Corps. From the effective date of the adoption of the Special Response Rules to the effective date that such Rules are rescinded, all active volunteer members of the Carmel Volunteer Ambulance Corps shall be awarded 2 points per month with such number of points prorated for periods of less than a complete month. In no event shall points be awarded to active volunteer members of the Carmel Volunteer Ambulance Corps in accordance with Chapter 113, after February 26, 2021, unless NYS Governor Andrew Cuomo once again extends Executive Order 202 of 2020.

As soon as administratively feasible after the adoption of this resolution by the Town Board, active volunteer members of the Carmel Volunteer Ambulance Corps shall be given a written Notice of Amendment announcing the adoption of, and including an explanation of, this additional category to the point system. As soon as administratively feasible, after the Town Board and/or the governing board of the Carmel Volunteer Ambulance Corps rescinds the Special Response Rules, a second Notice of Amendment shall be given to active volunteer members of the Corps stating the effective date that the Special Response Rules have been rescinded, and indicating the number of points to be awarded to each active volunteer member during the period when the Special Response Rules were in effect.

Since this amendment to the Carmel Volunteer Ambulance Corps Service Award Program Points System is intended to prevent active volunteer members of the Corps who would otherwise have earned service award program credit under the point system during 2020 and/or 2021 from failing to earn credit during 2020 and/or 2021, the adoption of this resolution is expected to have little if any effect on the annual cost of the Carmel Volunteer Ambulance Corps Service Award Program.

All other provisions of the Carmel Volunteer Ambulance Corps Service Award Program shall not change as a result of the adoption of this resolution and the program shall continue to be administered by the New York State Comptroller and the Town of Carmel in accordance with Article 11-AAA of the New York State General Municipal Law as such law is amended from time to time.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Schanil and Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

ADVERTISING FOR BIDS AUTHORIZED - 2021 MISCELLANEOUS HIGHWAY DEPARTMENT MATERIALS

RESOLVED that, pursuant to the request of the Highway Superintendent Michael Simone, Town Clerk Ann Spofford is hereby authorized to advertise for bids for the purchase of the following items for fiscal year 2021:

(Cont.)

- Crushed Gravel
- Granular Base (Item 4)
- Run of Bank Gravel
- Bituminous Concrete
- Road Oils, Cut Backs, etc.
- Catch Basins & Sumps with Tops
- Tree Felling & Trimming
- Steel Culvert Drainage Pipe
- Aluminum Culvert Drainage Pipe
- Polyethylene Drainage Pipe
- Street Sweeping

BE IT FURTHER RESOLVED that the Highway Superintendent is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

**CARMEL SEWER DISTRICT #2 - PERFORMANCE OF EMERGENCY REPAIRS
ACKNOWLEDGED - ED KUCK EXCAVATING INC. - \$10,977.94**

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, hereby acknowledges the emergency performance of water and/or sewer district collection system/distribution system and treatment facilities repairs, all as fully detailed in the memoranda of Town Engineer Richard J. Franzetti, P.E. to the Town Board dated March 2, 2021, as attached hereto and made a part thereof.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

Richard J. Franzetti, P.E.
Town Engineer



(845) 628-1500
(845) 628-2087
Fax (845) 628-7085

Office of the Town Engineer
60 McAlpin Avenue
Mahopac, New York 10541

MEMORANDUM

17 MARCH 2021
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(Cont.)

To: Carmel Town Board

From: Richard J. Franzetti P.E. Town Engineer 

Date: March 2, 2021

Re: Emergency Repairs/Services

This memorandum is being presented to the Town Board to advise the Board of emergency invoices that were submitted for payment in excess of \$10,000.00 for services rendered. The following provides a brief a summary of the work that was performed.

• CSD2 ~ 16 & 18 Everett Road On-lot Sewer

On February 8, 2021, Inframark the operator for the CSD 2 alerted the Engineering Department that on-lot pump station at this address was not functioning. It was determined that this was an electrical issue. Attached is an invoice in the amount of \$10,977.94 to replace the replace the electrical service at this location.

We request that this memorandum be put into the agenda as a matter of record.

Tel: (845) 628-1500 Fax: (845) 628-7085 email rjf@ci.carmel.ny.us
G:\Engineering\Town Board\Emergency Invoices\03-10-2021\03-02-2021 Repair Acknowledgement to TB.doc

Ed Kuck Excavating Inc
20 Day Road
Carmel, NY 10512

INV # TOC-11-2021
SD #2
REQ #
Vendor 0670
Tax ID - 133851002

Attention: ROB VARA, ENGINEERING
TOWN OF CARMEL

EMERGENCY NEW ELECTRIC SERVICE FOR ON LOT SEWER

Respond as per: INFRAMARK
Job Location: 16 & 18 EVERETT ROAD
Work Completed; 12/12- 12/15/2021
Start time: 12/12 8 HRS End Time: 12/15/2021 8 HOURS TOTAL 16

Job Description:
DAY 1 :DUG UP AROUND ELECTRIC METER AND ACROSS THE ROAD, MOLED UNDER ROAD AND PULLED 40FT OF NEW 2 INCH ELECTRICAL CONDUIT.
DAY 2: DUG TRENCH FROM POLE TO MOLE TRENCH.
RAN NEW 2INCH CONDUIT, BACKFILLED AND COMPACTED TRENCH, RESTORED LAWN AREA
NEEDS BLACKTOP RESTSORATION

Materials / Equipment/ Labor	Total Hrs,yds,qty	Price per yd, qty, day	Total
Track Hoe MR55	16	\$85.00 per hour	1,360.00
Dump Truck	16	\$90.00 per hour	1,440.00
Support Vehicle	2 Days	\$155.00	310.00
Chop Saw	Day rate	\$ 70.00	
Jumping Jack	Day rate day 2	\$70.00	70.00
Plate tamper	Day rate	\$70.00	
Mud Sucker	Day rate	\$70.00	
Large Mole	Day rate day 1	\$1,400.00	1,400.00
Machine Hammer	Day rate	\$250.00	
Machine operator	16 Hrs X 1 MAN	\$184.18	2,946.88
Laborers	16 Hrs X 1 Man/men	\$159.30	2,548.80
laborer	3 hours 1 man day 1	\$159.30	477.90
Item 4	5 YARDS	\$40.00 per yard	200.00
Seed	¼ BAG	\$96.00 bag	24.00
Top soil		\$50.00	
Blacktop		\$114.00 per ton	
2" conduit	100 ft	\$1.85 per ft	185.00
Hay	1 BAG	\$15.36 bag	15.36
Total			10,977.94

(Cont.)

EXHIBIT "B"
Emergency Justification Form
Town of Carmel Procurement Policy


Procurement Policy, Section VI: Emergency Procurement

Subdivision (4) of General Municipal Law §103 sets forth an exception to purchasing and bidding requirements for emergency situations

Department: Engineering
Vendor names: Kuck Excavating
Nature of emergency: Electric Service Line on Lot Sewer
Estimated cost: \$10,977.94

There are three basic statutory criteria to be met in order to fall within the emergency purchase exception. State the basis for identifying an emergency purchase or service, check any that apply:

- ☒ The situation arose out of an accident or unforeseen occurrence or condition.
- ☒ Public buildings, public property, or the life, health, safety or property of the political sub-division's residents were affected.
- ☒ The situation required immediate action, which could not await competitive bidding.
- ☐ The emergency purchases or services exceeded **\$10,000** and will be submitted to the Town Board for presentation at a Town Board Meeting to acknowledge said emergency. A Town Board Resolution should be passed acknowledging the same.
- ☐ Other (provide explanation):

Purchasing Agent's signature for approval: 

Department Head's signature for approval: 

ADVERTISING FOR BIDS AUTHORIZED - PURCHASE AND INSTALLATION OF A NEW CLARIFIER DRIVE - CARMEL SEWER DISTRICT #2 WASTEWATER TREATMENT PLANT

RESOLVED that, pursuant to the request of the Town Engineer Richard J. Franzetti, P.E., Town Clerk Ann Spofford is hereby authorized to advertise for bids for the purchase and installation of a new clarifier drive for the Carmel Sewer District #2 Wastewater Treatment Plant; and

BE IT FURTHER RESOLVED that the Town Engineer is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution
Offered by: Supervisor Schmitt
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

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ADVERTISING FOR BIDS AUTHORIZED - TOWN HALL CLEANING SERVICES

RESOLVED that, pursuant to the request of the Town Engineer Richard J. Franzetti, P.E., Town Clerk Ann Spofford is hereby authorized to advertise for bids for Town Hall Cleaning Services (Contract C249); and

BE IT FURTHER RESOLVED that the Town Engineer is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

EAST OF HUDSON WATERSHED CORPORATION PAYMENT AUTHORIZED - \$25,090.28

Resolved, that upon the recommendation and determination of Town Engineer Richard J. Franzetti, P.E., the Town Board of the Town of Carmel hereby authorizes payment of the sum of \$25,090.28 to the East of Hudson Watershed Corporation (EOHWC) for operation and maintenance related to the 2020 retrofits in accordance with the Town of Carmel's overall phosphorus reduction requirements, as well as in accordance with the Operations and Maintenance Policy for EOHWC previously adopted by the Carmel Town Board and the invoice from EOHWC dated November 8, 2018.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Barile

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Robert Schanil	<u>X</u>	<u> </u>	
Michael Barile	<u>X</u>	<u> </u>	
Frank Lombardi	<u>X</u>	<u> </u>	
Suzanne McDonough	<u> </u>	<u> </u>	Absent
Kenneth Schmitt	<u>X</u>	<u> </u>	

RENEWAL OF AGREEMENT WITH COUNTY OF PUTNAM AUTHORIZED - SPECIAL PATROL OFFICERS

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes the renewal of and entry into an agreement with the County of Putnam and the Putnam County Sheriff's Office for the provision of Special Patrol Officers for the Town of Carmel Town Hall per said agreement as attached hereto and made a part thereof; and

BE IT FURTHER RESOLVED, that Town Supervisor Kenneth Schmitt is hereby authorized to sign said agreement and any related documentation thereto; and

BE IT FURTHER RESOLVED that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget modifications required in connection with this authorization.

Resolution

Offered by: Councilman Schanil
Seconded by: Councilman Barile

(Cont.)

Roll Call Vote	YES	NO
Robert Schanil	X	
Michael Barile	X	
Frank Lombardi	X	
Suzanne McDonough		Absent
Kenneth Schmitt	X	

Contract #2020105

AGREEMENT

THIS AGREEMENT, made by and between the TOWN OF CARMEL, a municipal corporation located at 60 McAlpin Avenue, Mahopac, New York 10541 (hereinafter referred to as the “Town”), and the COUNTY OF PUTNAM, a municipal corporation organized and existing under the laws of the State of New York, having an office at 40 Gleneida Avenue, Carmel, New York 10512 (hereinafter referred to as the “County”) and THE SHERIFF OF PUTNAM COUNTY, a constitutional officer in and for the County of Putnam, having an office at 3 County Center, Carmel, New York 10512 (hereinafter referred to as the “Sheriff”).

WITNESSETH:

WHEREAS, the Town desires to obtain certain specified professional services from the County and the Sheriff as more fully set forth hereunder; and

WHEREAS, the County and the Sheriff are willing to provide such professional services on the terms and conditions set forth herein and for the compensation and consideration stated hereunder.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: The County shall permit and the Sheriff shall furnish two (2) Special Patrol Officer (hereinafter “SPO”) to the Town to perform such services as more fully described in Schedule “A,” attached hereto and made a part hereof. The SPOs shall perform such services at the Carmel Town Hall, located at 60 McAlpin Avenue, Mahopac, New York 1054.

SECOND: For the services rendered pursuant to paragraph “FIRST,” the Town shall pay the County as follows:

1. a onetime payment of Two Thousand One Hundred Thirty Dollars (\$2,130.00) per individual SPO for services related to investigative background checks and purchasing. Should a replacement SPO be requested by the Town, other than for good cause shown, the Town agrees to compensate the County an additional \$2,130.00 for each such request; and

(Cont.)

2. an invoiced monthly payment consisting of:
 - a. Twenty-five Dollars (\$25.00) per hour per SPO for each hour the SPO(s) are carrying out his/her duties as set forth in Schedule "A" annexed hereto; and
 - b. An annual supervisory fee of Eight Hundred Sixty-nine Dollars (\$869.00) per SPO; and
 - c. The costs of equipment (uniforms, firearms, radio), FICA costs and other training costs; and
 - d. An annual administrative fee of Four Thousand Seven Hundred Forty Dollars (\$4,740.00) to be paid monthly at the rate of Three Hundred Ninety-Five (\$395.00) dollars.

The Town shall make payment for the services rendered pursuant to this Agreement by the thirtieth (30th) calendar day of the month following the month in which the services are rendered and invoiced. Prior to the making of any payments hereunder, the Town may, at its option and upon reasonable notice to the County and Sheriff, request a summary explaining the manner in which the monthly payment was determined. In the event the Town fails to make a scheduled payment within thirty (30) days of the due date, the County will, prior to terminating

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the Agreement, provide the Town with notice of the default and an opportunity to cure the default within fifteen (15) days thereafter.

THIRD: This Agreement shall commence on April 1, 2021 and terminate on March 31, 2022, unless otherwise extended by a written instrument signed by the parties hereto.

FOURTH: The SPO shall be selected by the Sheriff's Department, with close coordination and cooperation by the Putnam County Personnel Department.

FIFTH: The SPO shall at all times be an employee of the County and be under the general supervision of the Sheriff and shall follow all policies and procedures of the Sheriff's Department.

SIXTH: The SPO shall be assigned pursuant to a schedule that is determined at the discretion of the Town.

SEVENTH: Either party, upon sixty (60) days notice to the other, may terminate this Agreement, in whole or in part, when a party deems it to be in its best interest. In such event, the County shall be compensated and the Town shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination.

(Cont.)

Notwithstanding the notice requirements set forth above, if the Town terminates this Agreement, in whole or in part, without cause prior to the termination date set forth in paragraph "THIRD", the Town shall reimburse the County for all costs and liabilities associated with N.Y. Unemployment benefits for the contracted SPO(s) incurred by the County, if any, while in the process of reassigning the contracted SPO(s), if reasonably possible. In addition, should the Town select not to renew the Agreement at the conclusion of the Agreement term, and the Sheriff is unable to reassign the SPO(s) without incurring a layoff, the Town shall reimburse the

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County for all costs and liabilities associated with N.Y. Unemployment benefits incurred by the County, if any, for the contracted SPO(s) caused by the layoff of such SPO.

EIGHTH: Except as otherwise contemplated herein, neither party shall assign or sub-contract any of its obligations and/or responsibilities under this Agreement and any purported delegation of duties, assignment of rights or sub-contracting of responsibilities under this Agreement is void and shall be deemed a direct breach of this Agreement.

NINTH: In addition to, and not in limitation of, the insurance requirements contained in Schedule "B" entitled "Putnam County Insurance Requirements" attached hereto and made a part of this Agreement, the Town agrees to protect, defend, indemnify and hold the County and the Sheriff and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or from those duties and services of the SPOs provided under this Agreement and/or performance hereof over which the Town retains direct control. The Town further agrees to indemnify the County and the Sheriff for any damage to County property which arises out of the performance of the services provided under this Agreement.

The parties acknowledge that for purposes of New York Workers' Compensation Law and/or Section 207-c of the General Municipal Law (if applicable), the SPOs are employees of the County. The County shall maintain the appropriate Worker's Compensation Insurance for the SPOs and provide the Town documentation of such coverage. The Town agrees to reimburse the County and/or Sheriff for any and all associated costs of Workers' Compensation and/or Section 207-c benefits (if applicable) incurred by the County and/or Sheriff for any injuries sustained by

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**17 MARCH 2021
TOWN BOARD MEETING**

(Cont.)

SPOs while on Town property and/or in the performance of his/her duties for the Town under this Agreement.

The County shall indemnify, defend and hold harmless the Town, its officers, employees and agents from and against any and all claims, suits, actions, causes of action, damages, judgments, liabilities, fines, penalties and expenses, including reasonable attorney fees and litigation costs arising out of or related to the services, acts or omissions of the SPOs over which the County retains direct control.

The County will be responsible to provide the Town proof of Professional Liability and Automobile insurance for SPOs' services provided under this Agreement. The Town will be named as an additional insured on the aforementioned policies.

TENTH: In connection with the performance of this Agreement, the County and Sheriff will comply with all applicable laws, regulations and orders, including, but not limited to, equal employment opportunity laws and regulations, as well as the Fair Labor Standards Act, to the extent required by law.

The parties hereto expressly agree that they shall be solely responsible for supervising their respective employees; that they shall respectively comply with all rules, regulations, orders, standards, and interpretations promulgated pursuant to the Occupational Health and Safety Act of 1970 and the Public Employees Safety and Health Act (hereinafter referred to as "PESH"), including but not limited to training; provision of personal protective equipment; adherence to all appropriate lockout/tagout procedures; and providing all notices, material safety data sheets, labels, etc. required by the right-to-know standard.

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ELEVENTH: All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail, postage prepaid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the Town:

Kenneth Schmitt, Supervisor
Town of Carmel
60 McAlpin Avenue
Mahopac, New York 10541

To the County:

Hon. Robert L. Langley, Jr., Sheriff
Putnam County Sheriff's Department
3 County Center
Carmel, New York 10512

With a copy to:

Jennifer S. Bumgarner
County Attorney
48 Gleneida Avenue
Carmel, New York 10512

TWELFTH: This Agreement and its attachments constitute the entire agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

THIRTEENTH: Unless specifically provided by law, electronic signatures may be used in lieu of a signature affixed by hand. The use of said electronic signatures shall have the same force and effect of law and shall be deemed binding. Moreover, this contract shall not be deemed effective until fully executed by the Town, the required County signatories and the County Executive.

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FOURTEENTH: This Agreement will be construed in accordance with the laws of the State of New York. All legal actions and/or proceedings arising out of this Agreement will be venued in Putnam County, New York.

FIFTEENTH: The Town is required to provide the following documents to the County before this Agreement will be finalized and/or executed by the County:

- Appropriate Certificate of Insurance, in accordance with paragraph "NINTH" of this Agreement and the requirements contained in Schedule "B".

IN WITNESS WHEREOF, the parties have executed this Agreement in Carmel, New York, on the date hereinabove set forth.

Date _____

TOWN OF CARMEL
60 McAlpin Avenue
Mahopac, New York 10541

By: _____
Please Print Name & Title

[illegible]

On this _____ day of _____, 2021 before me personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her capacity as of _____ and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument ##### # # # # #

(Cont.)

#

Notary Public

7

#

8

SCHEDULE A

SPO
SCOPE OF SERVICES

Special Patrol Officers are responsible for maintaining order and providing security in and around public buildings, and school district buildings. Special Patrol Officers have all the powers of a peace officer, as set forth in §2.20 of New York's Criminal Procedure Law, when performing the duties of protecting property or persons in and around such premises.

A Special Patrol Officer's typical work duties include, but are not limited to, the following:

- Provides security by standing in and patrolling public buildings and facilities, such as school district buildings, including interior spaces as well as immediate outside areas;
- Protects and guards employees, students, visitors, and the general public in and around public buildings, facilities and properties;
- Physically restrains unruly individuals, as needed;
- Provides general information to visitors and the general public on premises;
- Checks identification and other necessary documents, as needed;
- Safeguards public property;
- Provides assistance in emergency situations;
- Maintains and updates records as required;
- Prepares activity and incident reports;
- Distributes and posts appropriate documents and materials;
- May provide escort to and from public buildings and facilities, as needed;
- Performs a variety of related activities as required.

SCHEDULE B

PUTNAM COUNTY INSURANCE REQUIREMENTS

THE FOLLOWING MUST APPEAR ON EACH INSURANCE CERTIFICATE:

UNDER THE CERTIFICATE HOLDER SECTION:

COUNTY OF PUTNAM
48 GLENEIDA AVENUE
CARMEL, NEW YORK 10512
ATTN.: LAW DEPT./RISK MANAGER

ADDITIONALLY, IN THE SPACE (DESCRIPTION OF OPERATIONS/LOCATIONS)
ON THE INSURANCE CERTIFICATE, IT MUST BE NOTED AS FOLLOWS:

*"PUTNAM COUNTY IS INCLUDED AS AN ADDITIONAL INSURED except for
Professional Liability and Workers' Comp."*

It is the requirement of the County of Putnam and/or Putnam County Highway Department that for work performed under contract and/or permit authorized by the County and/or Highway Department and/or any event or performance conducted on County property that the contractor or permittee procure and maintain at their own expense and without expense to the County, until final acceptance of the work by the County, the insurances listed below.

**17 MARCH 2021
TOWN BOARD MEETING**

(Cont.)

Before commencement of any work, event or performance a certificate or certificates of insurance must be furnished to the County and/or Highway Department in forms satisfactory to the County and/or Highway Department.

All insurance coverages must be from an A.M. Best Rated "secured" (B++-A++), New York State admitted insurer.

All certificates of insurance must provide that the policy or policies shall not be changed or canceled until at least thirty (30) days prior written notice has been given to the County and/or Highway Department.

When required by the Highway Department the "XCU" exclusion of the policy or policies shall be eliminated or show proof that "XCU" is covered.

**The Contractor shall provide and maintain at its own expense the following
minimum insurance coverage:**


- A. **Workers' Compensation Insurance** - This is statutorily required and is required for all contracts. Each policy must cover all operations and all locations involved in the contract. If applicable, the policy should also include New York State Disability Benefits. Proof of Workers' Compensation Insurance is required and should be received by Putnam County on a C105.2 form, SI 12 form, form or U-26.3 - all of these forms are available through your carrier.
- B. **Commercial General Liability** - covering all operations and all locations involved in the contract, including the following coverages:
 \$2,000,000 General Aggregate
 5,000 Medical Expense Limit
 \$1,000,000 Personal & Advertising Injury Limit
 \$1,000,000 Each Occurrence
 \$2,000,000 Products/Completed Operations Aggregate
 \$50,000 Fire Damage Legal Liability Limit
- C. **Commercial Automobile Liability** - Covering all operations and locations involved in the contract, including the following coverages:
 (1) Owned Automobiles (2) Hired Automobiles (3) Non-Owned Automobiles
 Unless specifically required, each policy shall provide limits of not less than \$1,000,000 Combined Single Limits for Bodily Injury and Property Damage.
- D. If applicable, Professional Liability (errors and omissions) in the amount of at least \$1,000,000 per claim.
- E. **Excess Liability or Umbrella Policy**
 Limits depending on the following contract size
 \$100,000 - \$250,000 - 1 million
 \$250,001 - \$500,000 - 5 million
 \$500,000+ 10 million
- F. **Bid, Performance/Payment, Labor & Material Bonds**
 Required for any contract in excess of \$250,000. These bonds shall be provided by a New York State admitted surety company in good standing. Only the (AIA) - The American Institute of Architects- A312 form- will be accepted. In addition, pursuant to NYS Insurance Law Section 1111 all bonds must include a certificate of solvency for the surety which shall be updated annually. In addition, the Surety must be on the U.S. Treasury List (Circular 570) of acceptable sureties.

STANDARD INSURANCE REQUIREMENTS AND INDEMNIFICATION REQUIREMENT:

All policies and certificates of insurance of the contractor
shall contain the following clauses:

1. Putnam County is named as an additional insured and as Certificate Holder. Insurers shall have no right of recovery or subrogation against the County of Putnam (including its agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above described insurance.
2. The Clause "other insurance provisions" in a policy in which the County of Putnam is named as an additional insured, shall not apply to the County of Putnam.
3. The insurance companies issuing the policy or policies shall have no recourse against the County of Putnam (including its agents or agencies) for payment of any premiums or for assessments under any form of policy.
4. Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the risk of the contractor.

(Cont.)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/11/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Brown & Brown of New York Inc dba: Spain Agency
625 Route 6

Mahopac
NY 10541

INSURED

Town Of Carmel
60 McAlpin Avenue

Mahopac
NY 10541

CONTACT NAME: Catherine Sullivan
PHONE (A/C, No, Ext): (845) 628-4500
FAX (A/C, No): (845) 628-1804
E-MAIL ADDRESS: csullivan@bbhvins.com

INSURER(S) AFFORDING COVERAGE

INSURER A: New York Municipal Insurance Reciprocal
INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:

NAIC #
20690

COVERAGES

CERTIFICATE NUMBER: 2020-2021

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<div><div><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY</div><div><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR</div><div>GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER:</div></div>	Y	Y	MPLTCAR001	04/01/2020	04/01/2021	<div>EACH OCCURRENCE \$ 1,000,000</div> <div>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000</div> <div>MED EXP (Any one person) \$ 5,000</div> <div>PERSONAL & ADV INJURY \$ 1,000,000</div> <div>GENERAL AGGREGATE \$ 2,000,000</div> <div>PRODUCTS - COMP/OP AGG \$ 1,000,000</div> <div>\$</div>
A	<div><div><input checked="" type="checkbox"/> AUTOMOBILE LIABILITY</div><div><div><input checked="" type="checkbox"/> ANY AUTO</div><div><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY</div><div><input type="checkbox"/> HIRED AUTOS ONLY</div></div></div>	Y	Y	MCATCAR001	04/01/2020	04/01/2021	<div>COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000</div> <div>BODILY INJURY (Per person) \$</div> <div>BODILY INJURY (Per accident) \$</div> <div>PROPERTY DAMAGE (Per accident) \$</div> <div>\$</div>
A	<div><div><input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB</div><div><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR</div><div>DED \$ RETENTION \$</div></div>	Y	Y	MECTCAR001	04/01/2020	04/01/2021	<div>EACH OCCURRENCE \$ 10,000,000</div> <div>AGGREGATE \$ 20,000,000</div> <div>\$</div>
	<div><div>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</div><div>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N</div><div>If yes, describe under DESCRIPTION OF OPERATIONS below</div></div>		N/A				<div><div>PER STATUTE</div><div>OTH-ER</div><div>E L. EACH ACCIDENT \$</div><div>E L. DISEASE - EA EMPLOYEE \$</div><div>E L. DISEASE - POLICY LIMIT \$</div></div>


DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Re: Contract for 2 Special Patrol Officers for the Town Hall for the period 4/1/20-3/31/21.
Certificate holder is included as additional insured with respects to the General Liability and Automobile as required by written contract or written agreement. Excess follows form. Coverage is provided on a primary and non-contributory basis with respects to the General Liability, Automobile and Excess as required by written contract or written agreement. Waiver of Subrogation applies with respects to the General Liability, Automobile and Excess as required by written contract or written agreement.

CERTIFICATE HOLDER

CANCELLATION

County of Putnam
Attn: Law Dept./Risk Manager
48 Gleneida Avenue
Carmel
NY 10512

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Brian Miller

ACORD 25 (2016/03)

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STATE OF NEW YORK
WORKERS' COMPENSATION BOARD

CERTIFICATE OF PARTICIPATION IN WORKERS' COMPENSATION
GROUP SELF-INSURANCE

<div>1a. Legal Name and Address of Business Participating in Group Self-Insurance (Use Street Address Only) Town of Carmel 60 McAlpin Ave Mahopac, NY 10541</div>	<div>1d. Corporate Contact Name of Business referenced in box "1a" Business Telephone Number of Business referenced in box "1a" Mary Ann Maxwell 845-628-1500</div> <div>1e. NYS Unemployment Insurance Employer Registration Number of business referenced in box "1a"</div>
<div>1b. Effective Date of Membership in the Group 1/1/2020</div>	
<div>1c. The Proprietor, Partners, or Executive Officers are <input checked="" type="checkbox"/> included (only check box if all partners/officers included) <input type="checkbox"/> all excluded or certain partners/officers excluded</div>	<div>1f. Federal Employer Identification Number of Business referenced in Box "1a". 146002109</div>

(Cont.)

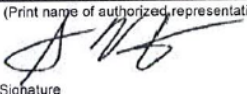
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as Certificate Holder) County of Putnam 48 Gleneida Aveue Carmel, NY 105412 Attn.: Law Dept./Risk Manager RE: Proof of Workers' Compensation Coverage;	3. Name and Address of Group Self-Insurer Public Employer Risk Management Association PO Box 12250 Albany, NY 12212-2250
--	--

This certifies that the business referenced above in box "1a" is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law as a participating member of the Group Self-Insurer listed above in box "3" and participation in such group self-insurance is still in force. The Group Self-Insurer's Administrator will send this Certificate of Participation to the entity listed above as the certificate holder in "box 2".

The Group Self-Insurer's Administrator will notify the above certificate holder within 10 days IF the membership of the participant listed in box "1a" is terminated. (these notices may be sent by regular mail.) Otherwise, this Certificate is valid for a maximum of one year from the date certified by the group self-insurer.

If this certificate is no longer valid according to the above guidelines and the business referenced i n box "1a" continues to be named on a permit, license or contr act issued by the certificate holder, the business must provide the certificate holder either with a new certificat e or other authorized proof of the business is comp lying with the mandatory coverage requirements of the New York Sta te Workers' Compensation Law.

Under penalty of perjury, I certify that I am an au thorized representative of the Group Self-Insurer re ferenced above and that the business referenced in box "1a" has th e coverage as depicted on this form.

Certified by: Steve Altieri, President
(Print name of authorized representative of the Group Self-Insurer)

Certified by: _____
Signature
Title: President
Telephone Number: 1-888-737-6269

05/08/2020

GSI-105.2 (2-02)

CERTIFICATE HOLDER COPY

PRCert.uff

WORKERS COMPENSATION LAW

Section 57 Restriction on issue of permits and the entering into contracts unless compensation is secu red.

1. The head of a state or municipal department board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board commission or office to pay any compensation to any such employee if so employed.
2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

Please Note: This Certificate is valid only through the policy dates indicated above, OR, a maximum of one year after this form is approved by the authorized representatives of the Group Self-Insurer. At the expiration of those dates, if the business continues to be named on a permit or contract issued by the above government entity, the business must provide that government entity with a new Certificate. The business must also provide a new Certificate upon notice of

GSI-105.2 (2-02) Reverse

PRCertF_PG2.uff

Supervisor Schmitt noted that the Special Patrol Officers provide security at the Carmel Town Hall during normal business hours.

POLICE REFORM AND REINVENTION COLLABORATIVE PLAN - ADOPTED

WHEREAS, The Police Reform & Reinvention Collaborative was directed by Governor Cuomo’s Executive Order 203 on June 12, 2020; and

WHEREAS, all municipalities in New York State that have police forces are required to participate in the Reform and Reinvention Collaborative and submit a written plan by April 1, 2021; and

WHEREAS, if communities fail to submit a written plan, their funding will be withheld by the NYS Department of Budget; and

WHEREAS, this process was structured, according to the guidelines provided in the New York State Police Reform and Reinvention Collaborative, requiring community input and participation, along with an assessment of policing policies; and

WHEREAS, The Town of Carmel understands that maintaining public safety is extremely important and is one of the essential roles of government and that in order to achieve that goal, there must be mutual trust and respect between police and the communities they serve; and

WHEREAS, The Town of Carmel and The Town of Carmel Police Department has followed the guidelines of the Police Reform Reinvention Collaborative in the following ways:

- By reviewing the needs of the community served by The Town of Carmel Police Department and evaluating the Department’s current policies and practices;
- Established and evaluated policies that allow police to safely perform their duties;
- Involved the entire community and the multiple stakeholder groups within the community in the collaborative process;
- Hosted public forums for receiving comment and input from the community and multiple stakeholder groups on the draft Police Reform and Reinvention Collaborative Plan on February 16, 2021 and March 2, 2021
- Participated on the Putnam County Panel along with their community sub committees from November 24, 2020 through February 17, 2021; and

WHEREAS, The Town of Carmel Town Board has read and the referenced Plan and the information contained therein;

NOW THEREFORE BE IT RESOLVED, that The Town Board of the Town of Carmel hereby accepts and adopts the Town of Carmel Police Reform & Reinvention Collaborative Plan in form as is on file in the Office of the Town Supervisor; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Carmel upon adoption of this resolution, will send The Town of Carmel Police Reform & Reinvention Collaborative Plan together with a certified copy of this resolution to the New York State Department of Budget by the established deadline for full compliance.

Resolution

Offered by: Supervisor Schmitt
Seconded by: Councilman Lombardi, Councilman Barile
and Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

Supervisor Schmitt detailed the Town’s efforts to comply with Governor Cuomo’s Executive Order No. 203 issued on June 12, 2020 with respect to the Police Reform and Reinvention Collaborative. He acknowledged Chief Anthony Hoffmann, Lt. John Dearman, and Lt. Stephen Kunze from the Carmel Police Department, as well as the other law enforcement agencies, stakeholder groups and members of the community for their participation. Supervisor Schmitt spoke in recognition of the outstanding officers in the Carmel Police Department, and a brief discussion was held with regard to the process to amend the Carmel Police Department’s Policies and Procedures.

PLAN FOR CONTINUATION OF OPERATIONS PURSUANT TO NEW YORK LABOR LAW SECTION 27-C - ADOPTED

WHEREAS, New York Labor Law Section 27-c requires each public employer to prepare a plan for the continuation of operations should the governor declare a state disaster emergency involving a communicable disease in the future; and

WHEREAS, in accordance with Section 27-c, the Town drafted such a plan and presented it to all certified representatives of the Town's employees, and these representatives were granted an opportunity to review said draft and make recommendations thereto; and

WHEREAS, in accordance with Section 27-c, the Town considered and responded to such recommendations in writing, and made appropriate revisions to the draft; and

WHEREAS, a revised plan is attached hereto; now, therefore,

BE IT RESOLVED, in accordance with Section 27-c, the Town Board for the Town of Carmel hereby adopts the attached operations plan, and directs the Town Clerk for the Town of Carmel to publish and post said plan in a clear and conspicuous location at Town Hall, in the employee handbook, and on the Town's employee intranet, by no later than April 1, 2021.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lombardi and Supervisor Schmitt

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

**TOWN OF CARMEL
SECTION 27-C OPERATION PLAN**

Pursuant to Section 27-c of the New York Labor Law, the Town of Carmel (the "Town") has prepared the following plan for the continuation of operations in the event the Governor declares a state disaster emergency involving a communicable disease ("state disaster emergency"). This plan is subject to change at the discretion of the Town Board in accordance with applicable law and guidance from local, state, and federal health or other agencies, including but not limited to the Centers for Disease Control and Prevention ("CDC"). Nothing in this plan shall be deemed to impede, infringe, diminish or impair the rights of the Town or any employee or collective bargaining representative under any law, rule, regulation or collective bargaining agreement.

- a. Restricted Access and Personal Protective Equipment.**
1. In the event of a state disaster emergency, Town Hall and other Town buildings may be closed completely at the direction of the Governor and/or Supervisor. In the event Town buildings remain open, access may be limited to "essential" employees identified below. Further, the public's access may be limited to certain areas of Town buildings. Additional measures may be taken to limit physical or close contact among individuals in accordance with applicable laws and guidance. Employees may also be prohibited or restricted from working in others' private homes or at other remote locations.
 2. Disposable masks will be procured from a third-party vendor and stored at the worksite. Masks will be restocked regularly to ensure employees may replace them should they become damaged or unsanitary. In the event a Department Head believes additional personal protective equipment ("PPE") is required, they may submit a request to the Town Board who will review it and procure and distribute such PPE to the extent the Board deems it appropriate to do so.

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b. Essential Positions and Titles.

1. Effective April 1, 2021, the Town considers the following to be "essential" employees as defined by Section 27-c (1)(d) because they require: direct interaction with the public; physical inspection of premises; manual labor; and/or access to physical Town records: (i) Town Supervisor; (ii) uniformed members of the Police Department; (iii) Dispatchers; (iv) Building & Codes Enforcer; (v) Assistant Building Inspector; (vi) Fire Inspector; (vii) Account Clerk II; (viii) Town Assessor; (ix) Sr. Real Property Appraiser; (x) Town Comptroller (and some accounting staff); (xi) Town Engineer; (xii) Engineering Projects Coordinator; (xiii) Highway Superintendent; (xiv) Deputy Highway Superintendent; (xv) Highway Laborers; (xvi) Building & Grounds Maintenance Supervisor; (xvii) Tax Receiver; (xviii) Deputy Tax Receiver; (xix) Town Clerk; (xx) Deputy Town Clerk; (xxi) Recreation Director; and (xxii) Sr. Recreation Leader.

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2. Though an essential role requires some presence by an employee in order to perform the job, an essential employee may still be able, and required, to perform some job functions remotely.
3. The Town reserves the right to modify the above list in the event of a state disaster emergency in accordance with factors including, but not limited to, Town operations and needs, as well as technological capabilities and applicable laws, rules and regulations.
4. The Town shall continue to provide reasonable accommodations to employees with disabilities in accordance with applicable law.

c. Non-Essential Positions and Titles.

1. The Town's Information Technology ("IT") Contractor is prepared to enable non-essential employees (as defined by Section 27-c (1)(c)) identified by the Town to telecommute promptly in the event of a state disaster emergency that requires them to be away from their worksite. The IT Contractor provides the necessary secure connections to employees' workstations to ensure full access for those employees working remotely, including essential employees who may perform some of their duties away from the work site. The Town's phone system allows all employees to access voicemail, and voicemail messages are transmitted to the employees' email accounts.
2. In the event a Department Head believes any additional devices or technology are required, they may submit a request to the Town Board who will review it and procure and distribute such devices or technology to the extent the Board deems it appropriate to do so.

d. Responding to Positive Tests and Exposures.

1. Any Town employee, contractor, or elected official who tests positive for the communicable disease causing the state disaster emergency must notify the Town Supervisor and their Department Head immediately and stay away from the worksite until further notice. In accordance with applicable law, individuals who test positive may also be required to submit a copies of lab reports and/or isolation orders. Individuals who test positive will receive leave time in accordance with applicable law, Town policies, and collective bargaining agreements.
2. Any Town employee, contractor, or elected official who is exposed to (as defined by the CDC) or shows symptoms of the communicable disease causing the state disaster emergency must notify the Town Supervisor and their Department Head immediately and stay away from the worksite until further notice. Such individuals will receive

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(Cont.)

leave time in accordance with applicable law, Town policies, and collective bargaining agreements.

3. In the event any Town employee, contractor, or elected official tests positive for, is exposed to, or exhibits symptoms of the communicable disease causing the state disaster emergency, the Town may take actions including, but not limited to:
 - i. Gathering information from the individual regarding their activities and possible exposures in the workplace;
 - ii. Notifying other individuals who may have been exposed to the communicable disease, consistent with applicable laws and guidance including but not limited to those regarding workplace safety and employee confidentiality;
 - iii. Notifying required local, State, and/or federal agencies or entities;
 - iv. Closing buildings or areas of buildings used by the individual(s) suspected or confirmed to have the communicable disease;
 - v. Opening outside doors and windows to increase air circulation in the area;
 - vi. Cleaning and disinfecting areas used by the person suspected or confirmed to have the communicable disease, such as offices, bathrooms, common areas, and shared equipment;
 - vii. Staggering work shifts;
 - viii. Securing emergency housing for exposed employees, contractors, or elected officials; and
 - ix. Following any other requirements determined by the New York State Department of Health, such as contact tracing or testing, social distancing, hand hygiene and disinfectant, or mask wearing.
4. To aid in the gathering of relevant information and provision of benefits, essential employees and contractors will be required to precisely track their work locations and hours in a manner prescribed by the Town.

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Supervisor Schmitt explained that the aforementioned plan for the continuation of operations was also a requirement brought forth by Governor Cuomo. This action plan, in response to the COVID-19 pandemic, will be applicable in the event of any future emergencies involving communicable diseases. He acknowledged the Town's employees who provided recommendations and the Town's labor counsel Jackson Lewis for drafting the plan.

CARMEL WATER DISTRICT #2 - WATER MAIN LINING BID AWARDED - CONTRACT #C265 - MICHEL'S PIPE SERVICES - \$3,152,200

WHEREAS the Town Board of the Town of Carmel has previously authorized advertisement for the solicitation of bids for the re-lining of approximately 23,800 linear feet of water main lining in Carmel Water District #2, Contract #C265; and

WHEREAS such bids were received and opened on February 23, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, and upon the recommendation of Design Engineer, J. Robert Folchetti Associates, LLC hereby awards the said contract to Michel's Pipe Services, Salem, OR, the low responsible bidder meeting specifications at a contract price of \$3,152,200; and

BE IT FURTHER RESOLVED, that upon presentation of insurance certificates and performance and labor and materials bonds in form acceptable to Town Counsel, Town Supervisor Kenneth Schmitt is hereby authorized to execute the contract documents pursuant to this authorization.

Resolution

Offered by: Councilman Lombardi
Seconded by: Councilman Barile

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

**PROPOSAL FOR INSURANCE ACCEPTED - BROWN & BROWN OF NY, INC.
D/B/A SPAIN AGENCY - 4/1/2021 THROUGH 3/31/2022**

RESOLVED that the Town Board of the Town of Carmel hereby accepts the proposal of Brown & Brown of NY, Inc. d/b/a Spain Agency, Mahopac, NY to provide liability insurance to the Town of Carmel for the period of April 1, 2021 through March 31, 2022 in form as is on file in the office of the Town Supervisor, and
BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to sign all necessary documentation required to accept such proposal.

Resolution
Offered by: Councilman Schanil
Seconded by: Councilman Lombardi

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

**CARMEL WATER DISTRICT #2 - RESOLUTION ADOPTED SUPPLEMENTING THE
BOND RESOLUTION DATED AUGUST 26, 2020 TO AUTHORIZE THE ISSUANCE OF
AN ADDITIONAL \$500,000 SERIAL BONDS OF THE TOWN OF CARMEL TO PAY
PART OF THE COST OF THE PLANNING AND PRELIMINARY EXPENSES IN
CONNECTION WITH IMPROVEMENTS**

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment; and
WHEREAS, by a bond resolution dated August 26, 2020, the Town Board of the Town of Carmel, Putnam County, New York, authorized the issuance of \$2,650,000 bonds of said Town to pay the cost of the planning and preliminary expenses in connection with improvements to Carmel Water District No. 2, including incidental expenses in connection therewith, in and for said Town, and
WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$3,150,000, constituting an increase of \$500,000 over that previously authorized; and
WHEREAS, it is now desired to authorize the issuance of an additional \$500,000 bonds of said Town for such specific object or purpose; NOW, THEREFORE,
BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Carmel, Putnam County, New York, as follows:
Section 1. For the specific object or purpose of paying the \$500,000 additional cost of the planning and preliminary expenses in connection with improvements to Carmel Water District No. 2, including incidental expenses in connection therewith, there are hereby authorized to be issued an additional \$500,000 bonds of said Town, pursuant to the provisions of the Local Finance Law.

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Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now \$3,150,000, and that the plan for the financing thereof is as follows:

- a. by the issuance of the \$2,650,000 bonds of said Town authorized to be issued pursuant to the aforesaid bond resolution dated and duly adopted on August 26, 2020; and
- b. by the issuance of the additional \$500,000 bonds of said Town herein authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years (5) years, pursuant to subdivision 62(2nd) of paragraph 1 of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first bond anticipation note for said specific object or purpose. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years**.

Section 4. The faith and credit of said Town of Carmel, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary thereof in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Resolution

Offered by: Supervisor Schmitt

Seconded by: Councilman Schanil, Councilman Barile and Councilman Lombardi

(Cont.)

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

CARMEL WATER DISTRICT #2 - PROPOSAL ACCEPTED FOR PROFESSIONAL DESIGN SERVICES - HAZEN & SAWYER ENGINEERS AND ARCADIS OF NEW YORK, INC. - NOT TO EXCEED \$2,696,000

RESOLVED that the Town Board of the Town of Carmel, acting as Commissioners of Carmel Water District #2, and upon the recommendation and request of Town of Carmel Engineer Richard J. Franzetti, P.E. authorizes the acceptance of the proposal of Hazen & Sawyer Engineers, New York, NY and Arcadis of New York, Inc. for design and construction administration services to be rendered in connection with the construction of a new water treatment plant for Carmel Water District #2, a cost not to exceed \$2,696,000; and

BE IT FURTHER RESOLVED that Town Supervisor Kenneth Schmitt is hereby authorized to execute any and all documentation reasonably necessary to effectuate this authorization; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Schanil

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Robert Schanil	<u>X</u>	<u> </u>
Michael Barile	<u>X</u>	<u> </u>
Frank Lombardi	<u>X</u>	<u> </u>
Suzanne McDonough	<u> </u>	<u> </u> Absent
Kenneth Schmitt	<u>X</u>	<u> </u>

Supervisor Schmitt pointed out that after the last Work Session, at the request of the Town Board, Town Engineer Richard J. Franzetti, P.E. met with Hazen & Sawyer Engineers and secured a \$245,000 reduction in the cost of the project.

PUBLIC COMMENTS - AGENDA ITEMS

Erin Crowley inquired about the amount of the proposal of Brown & Brown of NY, Inc. d/b/a Spain Agency.

Town Comptroller Mary Ann Maxwell replied that it was \$369,000.

Ms. Crowley asked whether or not other proposals were submitted.

Supervisor Schmitt indicated that two RFPs were requested from the Town and that one was returned back to the Town Comptroller’s office.

James Carmody expressed his support of the grant awarded for charging stations in Carmel and echoed Councilman Schanil’s recommendation made at a prior meeting calling for a charging station on Vink Drive. He suggested Shoprite Plaza or Carmel Plaza as additional locations.

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Mr. Carmody went on to comment on Kuck Excavating's labor charges in connection with the emergency repairs acknowledged in Carmel Sewer District #2. He indicated that according to the invoice, they charged \$184 per hour for machine operating which he noted is more than four times the prevailing wage, and that they charged \$159 per hour for digging. Mr. Carmody inquired if these rates could be negotiated.

Supervisor Schmitt explained that for municipal projects, vendors are required under New York State Labor Law to submit their invoices with prevailing wage rates. At the conclusion of discussion held regarding the matter, Supervisor Schmitt directed Mr. Carmody to contact the Engineering Department for further information.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

ADJOURNMENT

All agenda items having been addressed, on motion by Councilman Lombardi, seconded by Councilman Schanil, with all Town Board members present in agreement, the meeting was adjourned at 7:56 p.m. to the scheduled Work Session.

Respectfully submitted,

Ann Spofford, Town Clerk